



FREDERICK COUNTY PLANNING COMMISSION

December 8, 2010

TITLE: Urbana MXD – Third Revised
Preliminary Plan - Part of the Urbana
Office/Research Center

FILE NUMBER: S – 1069 (AP# 11304)

REQUEST: **Revisions to Preliminary Plan Design:**

1. Add new portion of public road to connect Urbana Terrace with Bennett Creek Blvd.;
2. Revise public road alignment of entire length of Bennett Creek Drive;
3. Revise public road alignment of Bennett Creek Blvd. South of Urbana Terrace; and
4. Revise Land Bay configurations of Bays 5A, 5B, 6 & 7.

PROJECT INFORMATION:

LOCATION: South & west of Urbana Parkway; and south & east of Bennett Creek Blvd. (south of Fannie Mae Building)

ZONE: MXD

REGION: Urbana

WATER/SEWER: W-1 and W-3 Dev.; and S-1 and S-3 Dev.

COMP. PLAN/LAND USE: Office Research

APPLICANT/REPRESENTATIVES:

APPLICANT: Urbana Corporate Center, LLC

OWNER: same

ENGINEER: Rodgers Consulting

Attorney: Krista McGowan, Esq.

STAFF: Stephen O'Philips, Principal Planner

RECOMMENDATION: **Conditional Approval**

Enclosures:

Exhibit #1: Aerial of Site

Exhibit #2: 2003 Preliminary Plan Design – Sheet 1 of 1 (11" x 17")

Exhibit #3: Revised preliminary Plan - Sheets 1 -24 of 24

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BACKGROUND:

Previous Rezoning History and FcPc Approvals: The area of proposed changes in this Third Revised Preliminary Plan application are part of the Urbana Office/Research Center, which is a non-residential Mixed Use Development (MXD) of planned office, retail, banks and restaurants, totaling 353.9 acres. In 1995, the Frederick County Planning Commission (FcPc) approved a 62-lot Preliminary Plan for the Urbana Office/Research Center. At that time, the entire 353.9-acre site was zoned Office/Research Industrial (ORI).

In 1998, the western 70% of the site (divided along the north/south linear floodplain area) was re-zoned to a non-residential MXD, with seven conditions of approval. In January 2000, the FcPc approved a new 55-lot (First Revised) Preliminary Plan that accommodated the mixed uses normally associated with non-residential MXD sites. A Second Revised Preliminary Plan was approved in January 2003 with relatively modest road and lot layout changes.

Here is a synopsis of the history of the FcPc reviews and approvals, and the rezoning approvals:

- March 1995 FcPc approved Preliminary Plan for 62 lots containing a total 2,000,000 square feet (sq. ft.) of office and 5,000 sq. ft. of retail for the entire 344-acre site, which was zoned ORI in 1995.
- September 1996 Adequate Public Facilities Letter of Understanding (LOU) was executed.
- March 1998 FcPc granted approval for Extension of Preliminary Plan.
- August 1998 Board of County Commissioner (BOCC) approved re-zoning of 212 acres (of 334-acre site) to MXD with seven original conditions of approval.
- January 2000 Frederick County Planning Commission (FcPc) approved Phase II MXD (Land Use) Plan and First Revised Preliminary Plan to accommodate the MXD re-zoning.
- January 2000 Amended Adequate Public Facilities LOU was executed with an expiration date of January 12, 2010.
- January 2003 FcPc approved a Second Revised Preliminary Plan for minor changes.
- June 2003 FcPc approved an Amended Phase II MXD Plan (and subsequent Site Plan) for 220,000 sq. ft. Fannie Mae facility, which established overall employment uses for up to 1,500,000 sq. ft. for the MXD portion of the site.
- July 2003 FcPc approved the First Amendment to Amended Adequate Public Facilities LOU, which was executed to implement the Amended Phase II MXD Plan.
- 2004 Fannie Mae facility was constructed.
- 2009 BOCC approved Revised Amendment to Phase 1 Plan of Urbana Office/Research Center MXD in order to reorient and increase the amount of commercial uses in proposed development to allow for additional retail development (an Outlet Mall). Twenty-four (24) additional conditions of re-zoning approval were added (to the original seven conditions) pertaining to the additional retail.
- April 2009 FcPc approved a Combined Preliminary/Final Plat to consolidate five lots shown on previously-approved 2000 and 2003 Preliminary Plans into Lot #501 for Banner Life development. July 2009 FcPc approved Site Plan for Banner Life.
- Banner Life is currently under construction.

To the immediate south of the Banner Life site is the built Fannie Mae building, which are the only two lots developed or under construction in this MXD/ORI project. Additionally, the public roads and sidewalks surrounding the Banner Life site are fully built. The proposed changes to the Preliminary Plan design are south of Banner Life and Fannie Mae.

[illegible]

ANALYSIS of Comprehensive Plan, Land Use and Density Issues:

Comprehensive Plan and Land Use, in General: Properties are eligible for MXD zoning if they are designated Office/Research, and/or Limited Industrial in the Comprehensive Plan. This site is designated as Office/Research in the 2010 Comprehensive Plan.

In 1998 this property was re-zoned with the non-residential MXD overlay zone. The MXD zoning district is a floating zone for the purpose of providing for a compatible mixture of commercial, employment, residential, recreational, and civic/cultural uses which are planned as a unit. The objectives of the MXD zone, as listed in § 1-19-10.500, are as follows:

1. Allowing for the introduction of a mixture of uses in an integrated manner while encouraging an efficient use of the land.
2. Creating an environment that ensures the integration and compatibility of the project with existing and proposed surrounding developments.
3. Creating design elements that provide a strong sense of identity and uniqueness.
4. Fostering a pedestrian friendly environment.
5. Allowing for development and design flexibility.
6. Preserving and integrating historic structures into the project.
7. Making the project transit accessible.

The changes proposed with this Third Revised Preliminary Plan application do not specifically prohibit any of the above-listed objectives from being accomplished, because this application addresses only Land Bay and public road configurations and contains no site development plan proposals.

Specific Land Uses and Density: The 2000-approved Phase I (Land Use) Plan showed Land Bays #'s 5, 6 and 7 to be approved for the following development caps:

<i>Land Bays</i>	<i>Rooms</i>	<i>Square Footages</i>				
	<i>Hotel</i>	<i>Employment (Office)</i>	<i>Restaurant</i>	<i>Business Services</i>	<i>Retail</i>	<i>Recreational</i>
<i>5</i>	<i>Up to 120</i>	<i>Up to 60,000</i>	<i>Up to 15,000</i>	--	<i>Up to 566,500</i>	--
<i>6</i>	--	<i>Up to 240,000</i>	--	--	--	--
<i>7</i>	--	<i>Up to 180,000</i>	--	--	--	--

The changes proposed with this application merge the former Land Bays #'s 5,6 and 7 into one large Land Bay # 5, and do not specifically exceed any of the above-listed development caps from being executed, because this application addresses only Land Bay and public road configurations and contains no site development plan proposals.

1998 Re-Zoning Conditions: There were seven re-zoning conditions from the original 1998 approval, which are listed below in excerpt form. The conditions (and the Applicant's responses) are listed on Sheet 1 of the Third Revised Preliminary Plan. The Staff finds that all conditions have either been met or are not applicable to this particular application.

Here is a synopsis of the re-zoning conditions and the status of their completion or particular applicability to this land bay, and the Staff responses to each condition underlined:

- 1) "Additional traffic analysis shall be conducted at the time of preliminary subdivision...." This analysis was performed in 2000 with the review and approval of the First Revised Preliminary Plat, and was updated with the Banner Life Site Plan application.
- 2) "No structures over two-stories shall be permitted until (equipment upgrades)...." This application proposes no site development. However, the Urbana Volunteer Fire Company now has ladder trucks to serve multi-story buildings.
- 3) "...Planning Commission must approve the type of retail uses..." This project contains no proposed site development proposals, including retail uses.
- 4) "(Planning Commission shall review) architectural design theme of the commercial core and entertainment complex...." This project does not contain site development proposals, including commercial or entertainment uses.
- 5) "Construction of...employment must occur prior to or concurrent with...entertainment uses." This condition has already been fulfilled with the 2004 construction of the Fannie Mae building.
- 6) (Various land design requirements):
 - a) "(Use of) a grid street layout and circulation pattern, creating pedestrian-scale city blocks in... Land Bay 4...." The grid street layout is preserved and the pedestrian-scale of the streets adjacent to Land Bay 4 (Banner Life and Fannie Mae) have been enhanced with landscape plantings scaled down to relate to a pedestrian scale. The change in public street alignment preserves the grid layout.
 - b) "...Control size of users inland Bay 4...." This application proposes no site development and therefore this re-zoning condition is not applicable to this application.
 - c) "(Preserve) pedestrian spine connections...in Land Bay 4..." This application proposes no site development and therefore this re-zoning condition is not applicable to this application.
 - d) "Architectural theme of pedestrian scaled, street front retail will be maintained in... Land Bay 4..." This application proposes no site development and therefore this re-zoning condition is not applicable to this application.
- 7) "...Phasing schedule of initial 10,000 sq. ft. office construction..." The Applicant met this requirement with the construction of Fannie Mae in 2004.

2009 Re-Zoning Conditions: There were 24 additional re-zoning conditions from the 2009 Phase I change, and they are shown excerpted or paraphrased below, and are printed on Sheet 1a of the application. (The Staff responses are underlined):

- 1) FcPc must approve general type of commercial uses. (Condition #1 pertains to site development issues. This Third Revised Preliminary Plat does not propose any site development.)
- 2) "Land Bays 5A, 5B, 6A, 6B and 7 shall be illustrated...as a single Mixed Use area...to provide...optimal integration of uses...." (This item has been executed by eliminating Land Bays #'s 6 and 7 and showing them integrated into Land Bay # 5.)

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Other Agency Comments, Findings & Recommendations:

OTHER AGENCY COMMENTS:

Other Agency or Ordinance Requirements	Comment
Engineering Section DPDR:	Approved.
Transportation Section DPDR:	Approved.
Planning Section DPDR:	Approved.
Life Safety DPDR:	Conditional Approval: At the time of Site Plan review, all buildings shall comply with NFPA #1 regarding fire safety design.
Division of Utilities and Solid Waste Management (DUSWM):	Conditional Approval, subject to confirming that: 1) the gravity sewer-line to North Sewage Pumping Station is sized appropriately; 2) water and sewer stubs to individual lots are appropriately designed ; 3) water meters are appropriately sized and designed; 4) force mains are shown and relocated as necessary; and 5) easement grades shall meet minimum street grade requirements.
Health Department:	Conditional Approval, subject to DUSWM approval.
State Highway Administration:	Hold: Resolve final right-of-way and reservation needs along I-270 for the preferred I-270 corridor alignments. <i>Note: the Traffic Engineer has indicated that the latest reservation and right-of-way alignments have been incorporated by the Applicant and that a final check by SHA is required.</i>

FINDINGS:

The Applicant proposes to amend the Preliminary Plan to enlarge Land Bay 6 and change the previously-approved public road alignments for the areas of Land Bays 4, 5 and 6. Both FRO and APFO have previous approvals and are still valid. Therefore, the Applicant is requesting approval for only the Third Revised Preliminary Plan (AP # 11304).

The Staff finds that the:

- 1) The APFO approval was granted with the 2000 Preliminary Plan approval. There were several Letters of Understanding (LOU)--the latest being February 2004--that govern the development of all lots in the Urbana Office/Research Center project. There are seven Phases of Improvements regarding facilities mitigations. The APFO is valid until January 10, 2013.

- 2) The Applicant has been completed all improvements in Phases I and II of the 2004 LOU. Anticipated site development of Lot # 801 falls within Phase II.
- 3) The Preliminary Forest Conservation Plan was approved with the 2000 Preliminary Plan. Final Forest Conservation Plans will be required (along with forest legal documents) when each lot is recorded as part of the Final Plat process.
- 4) With regard to the goals of MXD development as stated in the Zoning Ordinance, § 1-19-10.500, the changes proposed with this Third Revised Preliminary Plan application do not specifically prohibit any of the listed objectives from being accomplished, because this application addresses only Land Bay and public road configurations and contains no site development plan proposals.
- 5) With regard to the 1998 seven conditions of re-zoning approval, all conditions have either been previously met, or are not applicable until site development plans are submitted.
- 6) With regard to the 2009 24 conditions of re-zoning:
 - a) #1 This condition has been met with the consolidation of former Land Bays #'s 5, 6 and 7 into one Land Bay #5.
 - b) #'s 3-5: These conditions are not applicable until site development plans are submitted.
 - c) #6: This condition has been satisfied by the preservation of a grid layout of the streets.
 - d) #'s 7-23: These conditions are not applicable until site development plans are submitted.
 - e) #24: This condition will be applicable when the first building permit for retail uses is submitted.
- 7) This Third Revised Preliminary Plan can only be given approval as long as the APFO approval is valid. Therefore, this Preliminary Plan can be given approval until January 10, 2013, which is the APFO expiration date.
- 8) Based upon the discussions in the report, the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated.

RECOMMENDATION:

Should the Planning Commission approve the Third Revised Preliminary Plan for this Mixed Use Development (AP# 11304), the Staff would recommend that the following items be added as conditions of approval:

Applicant shall:

- 1) Comply with Agency comments as this project moves through the development process, including but not limited to Agency comments for utility and fire/rescue comments and SHA review of the reservation alignment.

